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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,057	01/29/2002	Moon Jae Lee	PO259/US/PS	3671

7590 09/02/2003

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EXAMINER
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DEL SOLE, JOSEPH S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 09/02/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/058,057

Applicant(s)

LEE, MOON JAE

Examiner

Joseph S. Del Sole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 10-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 1-3 and 10-18 in Paper No. 7 is acknowledged. Claims 4-9 have been cancelled by amendment.

### ***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c). (White-out has been used to delete a check mark on the first page of the declaration, wherein "is attached hereto" had been mistakenly checked. A new declaration should be submitted.

### ***Specification***

3. The abstract of the disclosure is objected to because a) the abstract is currently about 190 words, but may not be more than 150. The abstract should be amended to 150 words or less and the Examiner suggests removing reference to the method or product formed since the only claims remaining are for the apparatus. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

4. Claims 3 and 18 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. A

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recitation to the material formed does not further limit the structure of the apparatus, and therefore claims 3 and 18 don't further limit the parent claims.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 10-15 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Grosset et al (5,733,491).

Grosset et al teach an extrusion molding apparatus (Fig 2) having an extruder (Fig 2) and a die (Fig 2, #82, #38, #36, #40 and #42); a second inlet (Fig 2, #13) is formed at one side of the die; a second extruder (Fig 2, #18) is connected to the second inlet; a second passage (Fig 2, #72, #76 and #30) communicated with the second inlet of the die and to communicate with an original passage (Fig 2, #22a) formed in the die; the second passage of the die is formed to communicate the original passage so that the whole surface of the product is coated and a sectional area of the passage is irregularly formed (Fig 6, as demonstrated by the product); the second passage is formed around the second synthetic resin passage (Fig 3); the second passage is formed on the whole surface of the product at a constant interval so that the whole second synthetic resin of a predetermined ratio passes through the whole surface of the product (Fig 2); the second passage includes a retainer communicated with the

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second inlet at the outmost so that the second material is introduced into the second passage at a constant pressure (Fig 3); the second passage includes a nozzle passage (Fig 3) which is greater than a sectional area of the second passage (it is unclear how a portion of a second passage can be bigger than a second passage, so the Examiner has interpreted the second instance of "second passage" in claim 14 as -- second synthetic resin passage--) but smaller than a sectional area of the retainer (Fig 3); the nozzle having one end communicated with the retainer and the other end communicated with the synthetic resin passage (Fig 3); the retainer and the nozzle passage have a curved section (Fig 3); the nozzle passage is inclined at a predetermined angle along a flow of the second product (Fig 3).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grosset et al (5,733,491) in view of Metzger et al (5,672,303).

Grosset et al teach the apparatus as discussed above.

Grosset et al fail to teach the nozzle passage having a section area which is gradually reduced toward the synthetic resin passage.

Metzger et al teach a co-extruder having a nozzle passage having a section area which is gradually reduced toward the synthetic resin passage (Fig 3) for the purpose of creating curved patterns, such as wood grain (col 5, lines 51-58).

It would have been obvious to one having ordinary skill in the art at the time of the Applicant's invention to have modified the invention of Grosset et al with the nozzle passage having a section area which is gradually reduced toward the synthetic resin passage as taught by Metzger et al because by doing this (and correspondingly increasing the number of passages) a curved passage, similar to wood grain, can be formed.

#### ***References of Interest***

10. Merziger et al (6,276,915), Cook (5,324,187), Laver (5,516,472), Tseng et al (5,313,909), Calcagni (4,383,812), Doucet (4,364,882), Cameron et al (5,053,176), Andres (5,126,088), Cameron et al (5,232,751) and Boutillier (3,764,642) are cited of interest to show the state of the art.

#### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Del Sole whose telephone number

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is (703) 308-6295. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wanda Walker, can be reached at (703) 308-0457. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for both non-after finals and for after finals.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*Joseph S. Del Selp*

J.S.D.

August 25, 2003



ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300 / 1700

8/25/03